

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

James Curtis Sowell,)	C/A NO. 0:06-3284-CMC-BM
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
Dillon County Detention Center;)	
Captain Johnny Sapp; All Subordinates)	
Corrections Officers; and Judge Davis,)	
)	
Defendants.)	
)	

This matter is before the court on Plaintiff's *pro se* complaint arising out of Plaintiff's confinement in the Dillon County Detention Center.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial proceedings and a Report and Recommendation. On November 29, 2006, the Magistrate Judge issued a Report recommending that the complaint be dismissed without prejudice and without issuance and service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff filed "objections" to the Report on December 6, 2006.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the

recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's "objections," the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff's "objections" request that the Clerk forward him the proper forms for filing a new case.

IT IS THEREFORE ORDERED that this matter is dismissed without prejudice and without issuance and service of process. The Clerk shall forward the forms requested to the Plaintiff.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
December 18, 2006

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